

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-228-BO-KS

REITA L. NICHOLAS,)
Plaintiff,)
)
v.)
)
ILA LOCAL 1426, GREG WASHINGTON,))
FRED SPAIN, SSA COOPER LLC, MIKE)
SMITH, and BOKE TRADING,)
Defendants.)

ORDER

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Kimberly Swank. [DE 8]. Plaintiff has failed to respond to the memorandum and recommendation (M&R).

On July 24, 2023, Magistrate Judge Swank recommended that plaintiff's motion to proceed *in forma pauperis* be denied and that plaintiff be provided a brief additional time period within which to pay the filing fee.


"The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, "a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*, 416 F.3d at 315 (quotation omitted).

Here, despite being warned as to the consequences, plaintiff made no objection to the M&R. Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and adopts the Magistrate Judge's recommendation, though it will provide additional time during which plaintiff may pay the filing fee.

CONCLUSION

For the foregoing reasons, the M&R is ADOPTED as modified herein. Plaintiff's motion to proceed *in forma pauperis* [DE 2] is DENIED. Plaintiff shall pay the filing fee not later than October 6, 2023. Failure to pay the filing fee within the time provided shall result in dismissal of this action without prejudice.

SO ORDERED, this 26 day of September 2023.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE